

REMARKS

Claim 22 is pending and has been amended herein. Support for the claim amendments may be found in the specification, figures and claims as filed. Specifically, see page 9, lines 4-17; Table I on page 11; and page 13, line 6 to page 14, line 13. No new matter has been added.

Telephonic Interview

Applicants thank the Examiner for the courtesy of the telephone interview with Applicants' representatives on December 4, 2008.

Objection to the Specification

The Office Action indicates that the specification is objected to for incorporating by reference essential material, with regard to references in the specification to US patent application serial number 09/518,165 ("the '165 application"). In the October 27, 2004 response to the July 27, 2004 Office Action, Applicants clarified the purpose of the citations to the '165 application in the instant specification. See page 7 of the October 27, 2004 response. In the December 29, 2005 Office Action, the Examiner indicated at paragraph 7) that the "objection to the specification made in paragraph 3 of the Office Action mailed 7/24/04 is withdrawn based on Applicants' statement that they have not incorporated by reference the commonly assigned co-pending application 09/518,165, but are relying upon it only as a prior filed co-pending application containing additional pertinent information." Thus, Applicants believe the present objection to the specification has been overcome. If this belief is incorrect, Applicants respectfully request a clarification of the objection.

Rejections under 35 U.S.C. § 112, first paragraph, written description

Claim 22 stands rejected under 35 U.S.C. § 112, first paragraph, as containing new matter. The Office Action indicates that there was insufficient written description to show that Applicants were in possession of the step of "flowing the urine sample [a]long the bibulous test strip before the step of immobilizing tagged antibodies capable of binding the C-polysaccharide antigen." Claim 22 has been amended herein to specify that the "sample receiving zone" is located "at an end of a bibulous test strip." Claim 22 has also been amended to specify that the urine sample is allowed to

flow laterally along the bibulous test strip. Claim 22 has been further amended to specify that tagged purified antibodies are mobilized.

The Office Action also indicates that the terms “a conjugate” and “scrub antibodies” are not supported by the specification. Applicants have amended claim 22 herein to consistently recite “conjugates,” “scrub line antibodies,” and “capture line antibodies.”

Reconsideration and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 22 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Office Action indicates that the use of the terms “scrub antibodies” and “capture antibodies” renders the claim indefinite. Claim 22 has been amended herein to replace these terms with “scrub line antibodies” and “capture line antibodies,” respectively.

The Office Action also indicates that claim 22 lacks antecedent basis for the term “a conjugate.” Applicants have amended claim 22 herein to consistently recite the term “conjugates.”

For clarity, Applicants have further amended claim 22 to replace the limitation “flowing the” with “allowing.... to flow.”

Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
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